

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

Index No.: \_\_\_\_\_/19

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TODD SCHERMERHORN,Plaintiffs designate  
BRONX COUNTY  
as place of trial.*Plaintiff,*

-against -

The basis of venue is where  
the alleged acts occurredRICHARD SCHERMERHORN, MARGE  
SCHERMERHORN and RICHARD  
SCHERMERHORN Jr.,SUMMONSPlaintiff's residence address  
is 29 Harrison Ave, Glens  
Falls, NY 12801.*Defendants.*-----X  
To the above-named defendants:

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case your failure to appear or answer, judgement will be taken for the relief demanded herein.

**A COPY OF THIS SUMMONS WAS FILED WITH THE CLERK OF THE COURT, BRONX COUNTY ON \_\_\_\_\_ IN COMPLIANCE WITH CPLR §§305(a) AND 306(a).**

Dated: New York, New York  
August 19, 2019

MERSON LAW, PLLC

By: Jordan K. Merson  
Attorneys for Plaintiff  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Floor  
New York, New York 10155  
(212) 603-9100

TO:

**RICHARD SCHERMERHORN**

9373 Aviano Dr.

Fort Myers, FL 33913-8194

**MARGE SCHERMERHORN**

9373 Aviano Dr.

Fort Myers, FL 33913-8194

**RICHARD SCHERMERHORN Jr.,**

8473 Bay Colony Dr Apt 401

Naples FL 34108-0709

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX**

Index No.: \_\_\_\_\_/19

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**TODD SCHERMERHORN,****Plaintiffs,****-against -****VERIFIED  
COMPLAINT****RICHARD SCHERMERHORN, MARGE  
SCHERMERHORN and RICHARD  
SCHERMERHORN Jr.,****Defendants.**

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**COMPLAINT AND JURY TRIAL DEMANDED**

Plaintiff TODD SCHERMERHORN by and through his counsel Merson Law, PLLC, and as for his Complaint in this action against Defendants RICHARD SCHERMERHORN (hereinafter "Richard"), MARGE SCHERMERHORN (hereinafter "Marge") and RICHARD SCHERMERHORN Jr. ("Junior") hereby alleges the following:

**FACTS OF THE CASE**

1. This case involves Defendants Richard, Marge and Junior, who repeatedly sexually abused Plaintiff when he was a child.
2. Beginning when plaintiff was an infant and continuing until he was approximately five years old, plaintiff's room was in the basement of Richard and Marge's home located in New York. Richard and Marge, Plaintiff's parents, would enter plaintiff's basement room at night and fondle his penis.
3. Beginning when plaintiff was approximately eleven years old and continuing until plaintiff was approximately seventeen years old, Junior would repeatedly sexually

abuse plaintiff by duct taping his hands and feet and sodomizing plaintiff with a pencil and/or other objects, sitting on plaintiff's face naked, and other sexual abuse.

4. At the time of the sexual abuse, Junior was between the ages of thirteen and twenty.
5. The predatory attacks on plaintiff by Defendants Richard Schermerhorn, Marge Schermerhorn and Richard Schermerhorn Jr., left plaintiff with permanent physical and psychological injuries.

**AS AND FOR A FIRST CAUSE OF ACTION AGAINST**  
**RICHARD SCHERMERHORN**

**(BATTERY)**

6. Plaintiff repeats reiterates, and reallages each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 5., inclusive, with the same force and effect as if hereafter set forth at length.
7. Beginning in or about 1968 and continuing until approximately 1972, Plaintiff was sexually abused at night by his father, defendant **RICHARD SCHERMERHORN** who fondled his penis.
8. Defendant's predatory, sexual, and unlawful acts against plaintiff, amounted to a series of harmful and offensive contacts to Plaintiff's person all of which were done intentionally by defendant to plaintiff without plaintiff's consent.
9. As a direct and proximate result of the aforementioned batteries, Plaintiff has sustained in the past, and will continue to sustain in the future, physical injury, pain and suffering, serious and severe psychological and emotional distress, mental anguish, embarrassment and humiliation.
10. As a direct and proximate result of the aforementioned batteries, plaintiff has incurred medical expenses and other economic damages, and continues to be in physical pain

and suffering, and will be obligated to expend sums of money for medical care and attention in an effort to cure himself of his injuries and to alleviate his pain and suffering, emotional distress, mental anguish, embarrassment and humiliation.

11. Plaintiff is unable pursue his usual activities and employment, all due to his physical, psychological, and emotional injuries and damage he sustained due to the aforementioned batteries.
12. By reason of the foregoing, Plaintiff was caused to sustain severe and serious personal injuries, a severe shock to his nervous system, and certain internal injuries, and was caused to suffer severe physical pain and mental anguish as a result thereof, and upon information and belief these injuries are of a permanent and lasting nature; that said plaintiff was incapacitated from attending his regular activities, and was caused to expend sums of money for medical care on his behalf.
13. By reason of the foregoing, the Plaintiff, is entitled to compensatory damages from defendant in such sums as a jury would find fair, just, and adequate, and the plaintiff is further entitled to punitive and exemplary damages from defendant in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar conduct.

**AS AND FOR A SECOND CAUSE OF ACTION AGAINST**  
**MARGE SCHERMERHORN**

**(BATTERY)**

14. Plaintiff repeats reiterates, and reallages each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 13., inclusive, with the same force and effect as if hereafter set forth at length.



15. Beginning in or about 1968 and continuing until approximately 1972, Defendant **MARGE SCHERMERHORN** sexually abused plaintiff by fondling and/or pinching his penis.
16. Defendant's predatory, sexual, and unlawful acts against Plaintiff, amounted to a series of harmful and offensive contacts to Plaintiff's person all of which were done intentionally by defendant to Plaintiff without Plaintiff's consent.
17. As a direct and proximate result of the aforementioned batteries, Plaintiff has sustained in the past, and will continue to sustain in the future, physical injury, pain and suffering, serious and severe psychological and emotional distress, mental anguish, embarrassment and humiliation.
18. As a direct and proximate result of the aforementioned batteries, Plaintiff has incurred medical expenses and other economic damages, and continues to be in physical pain and suffering, and will be obligated to expend sums of money for medical care and attention in an effort to cure himself of his injuries and to alleviate his pain and suffering, emotional distress, mental anguish, embarrassment and humiliation.
19. Plaintiff is unable pursue his usual activities and employment, all due to his physical, psychological, and emotional injuries and damage he sustained due to the aforementioned batteries.
20. By reason of the foregoing, Plaintiff was caused to sustain severe and serious personal injuries, a severe shock to his nervous system, and certain internal injuries, and was caused to suffer severe physical pain and mental anguish as a result thereof, and upon information and belief these injuries are of a permanent and lasting nature; that Plaintiff

was incapacitated from attending his regular activities, and was caused to expend sums of money for medical care on his behalf.

21. By reason of the foregoing, the Plaintiff, is entitled to compensatory damages from defendant in such sums as a jury would find fair, just, and adequate, and Plaintiff is further entitled to punitive and exemplary damages from defendant in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar conduct.
22. The amount of damages sought exceeds the jurisdiction of all lower courts that would otherwise have jurisdiction.

**AS AND FOR A THIRD CAUSE OF ACTION AGAINST  
RICHARD SCHERMERHORN JR.**

**(BATTERY)**

23. Plaintiff repeats reiterates, and reallages each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 22., inclusive, with the same force and effect as if hereafter set forth at length.
24. When plaintiff was between the ages of eleven and seventeen, Defendant **RICHARD SCHERMERHORN JR.**, his older brother, sexually abused plaintiff by tying him up and sodomizing him with objects, sitting naked on his face and other forms of sexual abuse.
25. Defendant's predatory, sexual, and unlawful acts against Plaintiff, amounted to a series of harmful and offensive contacts to Plaintiff's person all of which were done intentionally by defendant to Plaintiff without Plaintiff's consent.
26. As a direct and proximate result of the aforementioned batteries, Plaintiff has sustained in the past, and will continue to sustain in the future, physical injury, pain and suffering,

serious and severe psychological and emotional distress, mental anguish, embarrassment and humiliation.

27. As a direct and proximate result of the aforementioned batteries, Plaintiff has incurred medical expenses and other economic damages, and continues to be in physical pain and suffering, and will be obligated to expend sums of money for medical care and attention in an effort to cure himself of his injuries and to alleviate his pain and suffering, emotional distress, mental anguish, embarrassment and humiliation.
28. Plaintiff was unable pursue his usual activities and employment, all due to his physical, psychological, and emotional injuries and damage he sustained due to the aforementioned batteries.
29. By reason of the foregoing, Plaintiff was caused to sustain severe and serious personal injuries, a severe shock to his nervous system, and certain internal injuries, and was caused to suffer severe physical pain and mental anguish as a result thereof, and upon information and belief these injuries are of a permanent and lasting nature; that said plaintiff was incapacitated from attending his regular activities, and was caused to expend sums of money for medical care on his behalf.
30. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendant in such sums as a jury would find fair, just, and adequate, and the plaintiff is further entitled to punitive and exemplary damages from defendant in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar conduct.
31. This action falls with exceptions to Article 16 of the C.P.L.R.



**AND AS FOR A FOURTH CAUSE OF ACTION AGAINST**  
**RICHARD SCHERMERHORN**

**(ASSAULT)**

32. Plaintiff repeats reiterates, and reallages each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 31., inclusive, with the same force and effect as if hereafter set forth at length.
33. Defendant's predatory, sexual and unlawful acts against Plaintiff, created a reasonable apprehension in Plaintiff of immediate harmful or offensive contact to Plaintiff's person, all of which were done intentionally by defendant to plaintiff without Plaintiff's consent.
34. As a direct and proximate result of the aforementioned assault, Plaintiff has sustained in the past, and will continue to sustain in the future, physical injury, pain and suffering, serious and severe psychological and emotional distress, mental anguish, embarrassment and humiliation.
35. As a direct and proximate result of the aforementioned assaults, plaintiff has incurred medical expenses and other economic damages, and continues to be in physical pain and suffering, and will now be obligated to expend sums of money for medical care and attention in an effort to cure himself of his injuries and to alleviate his pain and suffering, emotional distress, mental anguish, embarrassment and humiliation.
36. Plaintiff continues to be unable, to pursue his usual activities and employment all due to the physical, psychological and emotional injuries and damage he sustained due to the aforementioned assaults.
37. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendant in such sums as a jury would find fair, just and adequate, and the plaintiff, is

further entitled to punitive and exemplary damages from defendant in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar misconduct.

**AS AND FOR A FIFTH CAUSE OF ACTION AGAINST**  
**MARGE SCHERMERHORN**

**(ASSAULT)**

38. Plaintiff repeats reiterates, and reallages each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 37., inclusive, with the same force and effect as if hereafter set forth at length.
39. Defendant's predatory, sexual and unlawful acts against Plaintiff, created a reasonable apprehension in Plaintiff of immediate harmful or offensive contact to Plaintiff's person, all of which were done intentionally by defendant to plaintiff without Plaintiff's consent.
40. As a direct and proximate result of the aforementioned assault, Plaintiff has sustained in the past, and will continue to sustain in the future, physical injury, pain and suffering, serious and severe psychological and emotional distress, mental anguish, embarrassment and humiliation.
41. As a direct and proximate result of the aforementioned assaults, plaintiff has incurred medical expenses and other economic damages, and continues to be in physical pain and suffering, and will now be obligated to expend sums of money for medical care and attention in an effort to cure himself of his injuries and to alleviate his pain and suffering, emotional distress, mental anguish, embarrassment and humiliation.

42. Plaintiff continues to be unable, to pursue his usual activities and employment all due to the physical, psychological and emotional injuries and damage he sustained due to the aforementioned assaults.
43. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendant in such sums as a jury would find fair, just and adequate, and the plaintiff, is further entitled to punitive and exemplary damages from defendant in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar misconduct.

**AS AND FOR A SIXTH CAUSE OF ACTION AGAINST**  
**RICHARD SCHERMERHORN JR.**

**(ASSAULT)**

44. Plaintiff repeats reiterates, and reallages each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 43., inclusive, with the same force and effect as if hereafter set forth at length.
45. Defendant's predatory, sexual and unlawful acts against Plaintiff, created a reasonable apprehension in Plaintiff of immediate harmful or offensive contact to Plaintiff's person, all of which were done intentionally by defendant to plaintiff without Plaintiff's consent.
46. As a direct and proximate result of the aforementioned assault, Plaintiff has sustained in the past, and will continue to sustain in the future, physical injury, pain and suffering, serious and severe psychological and emotional distress, mental anguish, embarrassment and humiliation.
47. As a direct and proximate result of the aforementioned assaults, plaintiff has incurred medical expenses and other economic damages, and continues to be in physical pain

and suffering, and will now be obligated to expend sums of money for medical care and attention in an effort to cure himself of his injuries and to alleviate his pain and suffering, emotional distress, mental anguish, embarrassment and humiliation.

48. Plaintiff continues to be unable, to pursue his usual activities and employment all due to the physical, psychological and emotional injuries and damage he sustained due to the aforementioned assaults.
49. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendant in such sums as a jury would find fair, just and adequate, and the plaintiff, is further entitled to punitive and exemplary damages from defendant in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar misconduct.

**AS AND FOR A SEVENTH CAUSE OF ACTION AGAINST**  
**RICHARD SCHERMERHORN**

**(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)**

50. Plaintiff repeats, reiterates, and reallages each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 49., inclusive, with the same force and effect as if hereafter set forth at length.
51. Defendant engaged in outrageous conduct towards Plaintiff, with the intention to cause, or with reckless disregard for the probability of causing Plaintiff to suffer severe emotional distress.
52. As a proximate result of the aforementioned assaults and batteries to Plaintiff, he has suffered and continues to suffer extreme mental distress, humiliation, anguish and emotional and physical injuries, as well as economic losses, all his damage in amounts to be proven at trial.



53. Defendant committed the acts alleged herein maliciously, fraudulently and oppressively with the wrongful intention of injuring Plaintiff from an improper and evil motive amounting to malice and in conscious disregard of Plaintiff's rights, entitling Plaintiff to recover punitive damages in amounts to be proven at trial.

**AS AND FOR AN EIGHTH CAUSE OF ACTION AGAINST**  
**MARGE SCHERMERHORN**

**(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)**

54. Plaintiff repeats, reiterates, and reallages each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 53., inclusive, with the same force and effect as if hereafter set forth at length.
55. Defendant engaged in outrageous conduct towards Plaintiff, with the intention to cause, or with reckless disregard for the probability of causing Plaintiff to suffer severe emotional distress.
56. As a proximate result of the aforementioned assaults and batteries to Plaintiff, he has suffered and continues to suffer extreme mental distress, humiliation, anguish and emotional and physical injuries, as well as economic losses, all his damage in amounts to be proven at trial.
57. Defendant committed the acts alleged herein maliciously, fraudulently and oppressively with the wrongful intention of injuring Plaintiff from an improper and evil motive amounting to malice and in conscious disregard of Plaintiff's rights, entitling Plaintiff to recover punitive damages in amounts to be proven at trial.

**AS AND FOR A NINTH CAUSE OF ACTION AGAINST**  
**RICHARD SCHERMERHORN JR.**

**(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)**

58. Plaintiff repeats, reiterates, and reallages each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 57., inclusive, with the same force and effect as if hereafter set forth at length.
59. Defendant engaged in outrageous conduct towards Plaintiff, with the intention to cause, or with reckless disregard for the probability of causing Plaintiff to suffer severe emotional distress.
60. As a proximate result of the aforementioned assaults and batteries to Plaintiff, he has suffered and continues to suffer extreme mental distress, humiliation, anguish and emotional and physical injuries, as well as economic losses, all his damage in amounts to be proven at trial.
61. Defendant committed the acts alleged herein maliciously, fraudulently and oppressively with the wrongful intention of injuring Plaintiff from an improper and evil motive amounting to malice and in conscious disregard of Plaintiff's rights, entitling Plaintiff to recover punitive damages in amounts to be proven at trial.

**WHEREFORE**, plaintiffs demand judgement against defendant in such sum as a jury would find fair, adequate and just containing the following relief:

- A. A declaratory judgement that the actions, conduct and practices of Defendant complained of herein violated the laws of the State of New York;
- B. An injunction and order permanently restraining Defendant from engaging in such unlawful conduct;

C. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiffs for all monetary and/or economic harm; harm to his personal and professional reputations and loss of career fulfillment; for all non-monetary and/or compensatory harm, including but not limited to, compensation for physical anguish and mental anguish; all other monetary and/or non-monetary losses suffered by Plaintiff; and that by reason of the foregoing, Plaintiffs sustained damages in a sum, pursuant to C.P.L.R. §3017, which exceeds the jurisdictional limits of all lower courts;

D. An award of punitive damages;


E. An award of costs that Plaintiffs have incurred in this action, as well as Plaintiffs' reasonable attorney's fees to the fullest extent permitted by law; and.

F. Such other and further relief as this Honorable Court may deem just and proper.

Dated: New York, New York  
August 19, 2019

MERSON LAW, PLLC

By:



Jordan K. Merson

Sarah R. Cantos

Attorney for Plaintiff

150 East 58<sup>th</sup> Street 34<sup>th</sup> Floor

New York, New York 10155

(212) 603-9100

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

Index No.: \_\_\_\_\_/19

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TODD SCHERMERHORN,

**ATTORNEY  
VERIFICATION***Plaintiff,***-against -**RICHARD SCHERMERHORN, MARGE  
SCHERMERHORN and RICHARD  
SCHERMERHORN Jr.,*Defendants.*

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JORDAN K. MERSON, an attorney duly admitted to practice in the Courts of New York State, and a member of the firm MERSON LAW, PLLC., attorneys for the plaintiff in the within action, hereby affirms under penalty of perjury:

That he has read the within complaint and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

That the sources of his information and knowledge are investigations and records in the file.

That the reason this verification is made by affirmant and not by the plaintiff is that the plaintiff is not within the County where the attorney has his office.

Dated: New York, New York  
August 19, 2019

  
JORDAN K. MERSON



Index No.

Year 2019

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

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TODD SCHERMERHORN,

*Plaintiff (s),*

*- against -*

RICHARD SCHERMERHORN, MARGE  
SCHERMERHORN and RICHARD SCHERMERHORN Jr.,

*Defendant(s).*

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SUMMONS AND VERIFIED COMPLAINT

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Merson Law, PLLC.

*Attorneys for Plaintiff(s)*

*Office and Post Office Address, Telephone*  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Fl.  
New York, New York 10155  
(212) 603-9100

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To: All Parties

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